

**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: September 13, 2013

Agenda Item #: 6A-7

Agenda Item Title: 2013 STIP Amendment #12
I-215;I-15 Interchange Bridge Rehab C-514, F-125, F-126 – New Project

Presented by:

Background:

UDOT's Bridge Group request is to add a New Bridge Project to the FY 2013-2018 STIP, I-215; I-15 Interchange Bridge Rehabilitation C-514, F-125, F-126

This request is to fund the I-215; I-15 Int. Bridge Rehabilitation C-514, F-125, F-126 project (PIN 12056), with \$1.4 Million NHPP_BR funds from the I-215; Barrier Upgrades at C514,F125, F126 project (PIN 11383).

The project scope was originally part of the I-215; Barrier Upgrades at C514,F125, F126 project (PIN 11383), but was removed due to time constraints based on railroad coordination.

The I-215; Barrier Upgrades at C514,F125, F126 project (PIN 11383), is a safety project to increase parapet height and upgrade surrounding barrier treatments on the roadway. It was decided to complete the safety treatments prior to winter and delay the other scope items until railroad coordination could be completed.

This project will pothole patch the decks, place new waterproofing membranes and asphalt overlays, close joints, and repair substructures on three bridges at the north interchange of I-215 and I-15. The overlays are in poor condition at this time, requiring frequent work by maintenance crews to patch potholes. The open joints on the structures are leaking, causing further deterioration of the substructure elements.

Exhibits/Handouts: Project Map and Project Photos

Audio/Visual:

Commission Action Requested:

☐ For Information/Review Only

☒ For Commission Approval

Motion Needed for Approval:

Approval to add the I-215; I-15 Interchange Bridge Rehabilitation C-514, F-125, F-126 Project to the FY 2013 – 2018 STIP

Fact sheet prepared by: Bob Pelly

Fact sheet reviewed by senior leader: Bill Lawrence

Date submitted: 9/4/13

**I-215; I-15 Int. Bridge Rehab C-514, F-125,
F-126Area Map**



Deteriorating Wearing Surface



**Deck Overlay
Potholes**

Bent Cap Deterioration



06.10.2013



Pedestal Delamination and Slope Protection
Settlement

**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: September 13, 2013

Agenda Item #: 6A-8

Agenda Item Title: 2013 STIP Amendment #11
I-15 Northbound, 10600 South Interchange Improvement – Funding &
Scope Change

Presented by: Bill Lawrence

Background:

UDOT's Bridge Group requests approval to transfer \$830,000 ST_BRIDGE funds to the I-15 Northbound, 10600 S. Interchange Improvement Project – (PIN 11827), from the 2013 Bridge Preservation Program – Master PIN 11214.

The SR-151; 10600 South over I-15, F663 Preservation Project – (PIN 11240) was scheduled as part of the 2013 Bridge Preservation Program, and was identified as a priority because treating the deck now will prevent extensive deterioration that will lead to more costly repairs in the future.

This will combine the project scopes of the two projects, reducing impacts to the traveling public and realizing savings in traffic control, mobilization, and maintenance of traffic.

The funding transfer will allow for work to be completed on the 10600 South structures over I-15.

The scope of work will include pothole patching and placing a polyester concrete overlay on the deck to address low concrete cover to the reinforcing steel. This work will prevent further deterioration of the steel and increasing the effective life of the deck. Polyester concrete overlays provide a 25 year treatment to the deck surface.

Exhibits/Handouts: Project Map and Project Photos

Audio/Visual:

Commission Action Requested:

☐ For Information/Review Only

☒ For Commission Approval

Motion Needed for Approval:

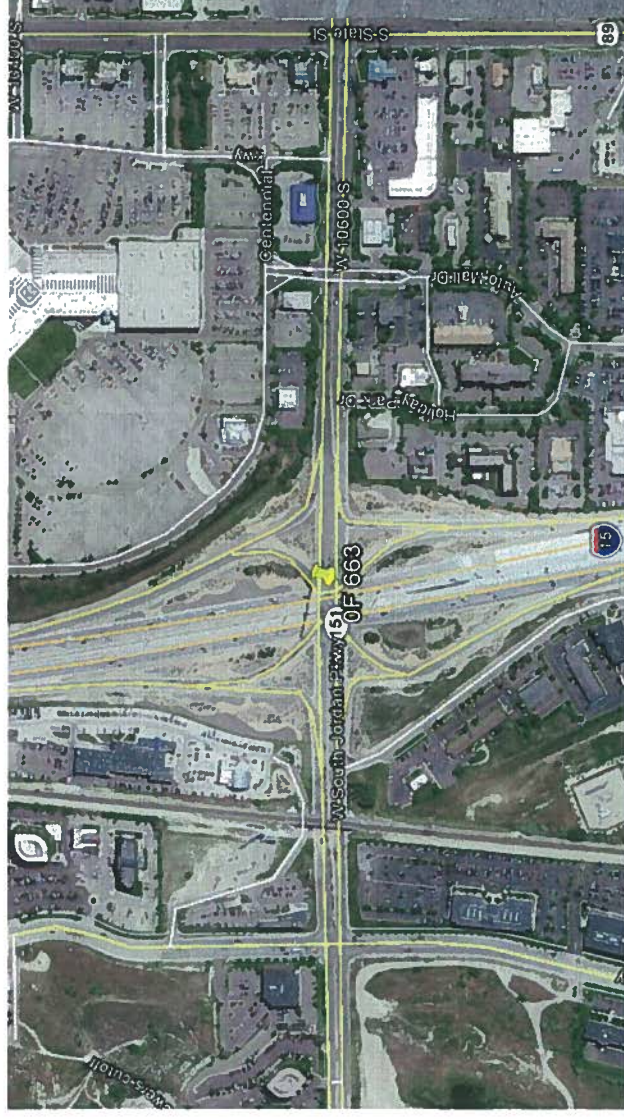
Approval to transfer \$830,000 ST_BRIDGE funds and additional scope to the I-15 Northbound, 10600 S. Interchange Improvement project from the 2013 Bridge Preservation Program

Fact sheet prepared by: Bob Pelly

Fact sheet reviewed by senior leader: Bill Lawrence

Date submitted: 9/5/13

PIN 11827 Project Area Map



**Project Name: I-15 Northbound,
10600 S. Interchange
Improvement**



Deck Spalling

Deck Exposed Rebar

**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: September 13, 2013

Agenda Item #: 6B

Agenda Item Title: Airport Capital Improvement Program Amendment
Additional funds for Kanab Airport Pavement Preservation Project

Presented by: Bill Lawrence

Background:

The FY-2013 airport runway pavement preservation project at the Kanab Municipal Airport is currently ready to be bid for construction.

After a recent meeting with airport and city staff, the Division of Aeronautics is recommending that an additional \$25,000 in state funding be approved in order to allow for needed preservation work on the airport apron area. This would be completed in conjunction with the runway project.

The reason for this change is a desire to take advantage of the economy of scale by completing both needed sections of work together in one project.

Current funding: \$90,000 State funds, \$10,000 Local match = \$100,000 Total
Proposed funding: \$115,000 State funds, \$12,778 Local match = \$127,778 Total

Exhibits/Handouts: Kanab Airport Map

Audio/Visual:

Commission Action Requested:

☐ For Information/Review Only
☒ For Commission Approval

Motion Needed for Approval:

Approval to add \$25,000 in state funds to the Kanab Municipal Airport project

Fact sheet prepared by: Matthew Swapp
Fact sheet reviewed by senior leader: Bill Lawrence

Date submitted:
September 4, 2013



**Utah Transportation Commission Meeting
Agenda Fact Sheet**

Commission Meeting Date: September 13, 2013

Agenda Item: 7A

Subject: Marda Dillree Corridor Preservation Acquisition Request - West Davis Corridor

Background: Eminent Development – Malcolm Harvey

- The property address is approximately 1773 West 200 North in Kaysville. The property is vacant land owned by Malcolm, Ian & Nephi Harvey.
- The land is 6.53 acres and is zoned industrial.
- The land has appraised for \$718,500, which is \$110,000 per acre.
- This land is in the preferred alignment of the West Davis Corridor.

Exhibits: Map of area

Advisory Council Recommendation

Approval

X

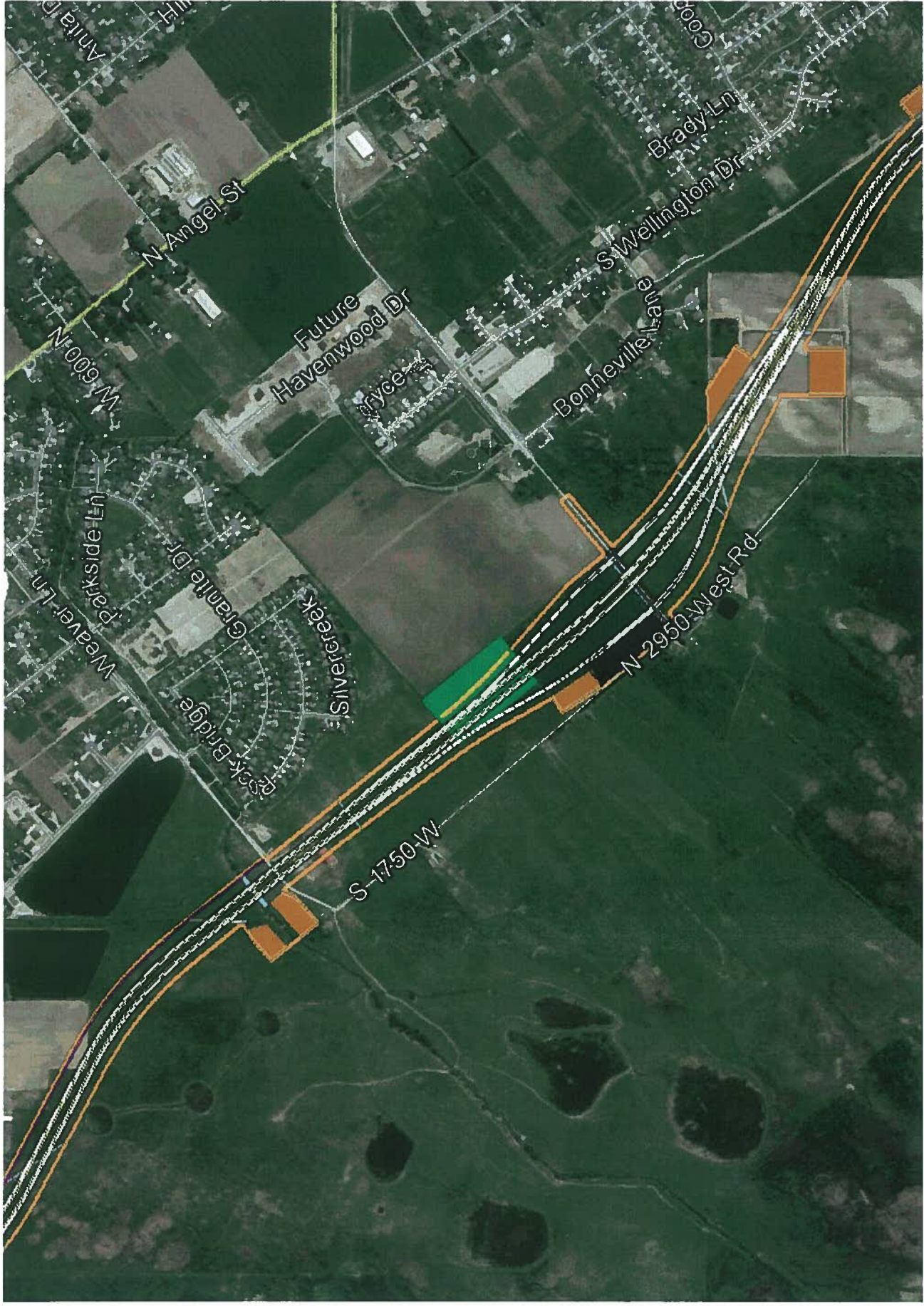
Decline

Commission Action Requested:

Authorization to obligate Marda Dillree Corridor Preservation Revolving Loan Funds

Prepared by: Dian McGuire
Presented by: Lyle McMillan

Advisory Council Date: September 3, 2013





**Utah Transportation Commission Meeting
Agenda Fact Sheet**

Commission Meeting Date: September 13, 2013

Agenda Item: 7B

Subject: Marda Dillree Corridor Preservation Acquisition Request - West Davis Corridor

Background: Eminent Development – Mike Schultz/Hamblin Investments

- The property is between 1300 North and 800 North at approximately 4200 West in West Point. This is vacant land currently owned by Mike Schultz and Hamblin Investments.
- The land is approximately 29.5 acres and is zoned residential. The property received some preliminary entitlements for development of a 56 lot subdivision but they have expired. The property owners have reapplied for the entitlements and are waiting the 45 day period.
- The land has been appraised for \$1,800,000, which is \$61,000 per acre.
- The property is in the preferred alignment of the West Davis Corridor.

Exhibits: Map of area

Advisory Council Recommendation

Approval

X

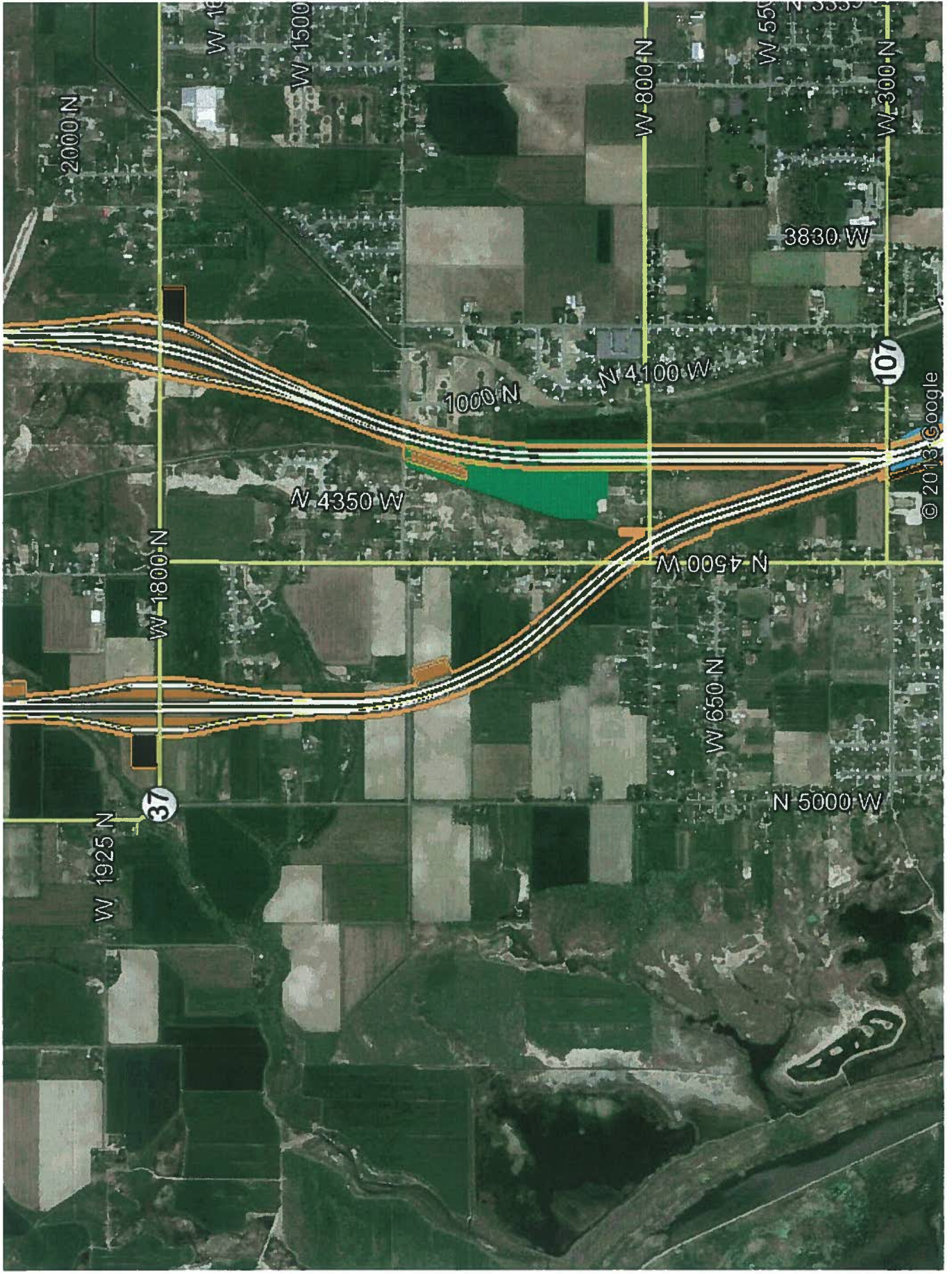
Decline

Commission Action Requested:

Authorization to obligate Marda Dillree Corridor Preservation Revolving Loan Funds

Prepared by: Dian McGuire
Presented by: Lyle McMillan

Advisory Council Date: September 3, 2013



**Utah Transportation Commission Meeting
Agenda Fact Sheet**

Commission Meeting Date: September 13, 2013

Agenda Item: 7C

Subject: Marda Dillree Corridor Preservation Acquisition Request - West Davis Corridor

Background: Eminent Development –Brighton Homes/Irben Development

- The property address is approximately 2000 West Gentile Street in Syracuse. The property is vacant land owned by Syracuse City and under contract with Brighton Homes & Irben Development.
- The property is 99.25 acres, which 12.4 acres is shown to be under the WDC footprint and an additional 8.6 acres that would be damaged at more than 50%. The property is zoned residential and has preliminary plat approval for cluster homes.
- The land has been appraised for \$1,365,000, if UDOT purchases the portion of land under the proposed Corridor and the damaged remainder parcel. That equates to approximately \$65,000 per acre.
- This land is in the path of the West Davis Corridor.

Exhibits: Map of area

Advisory Council Recommendation

Approval

X

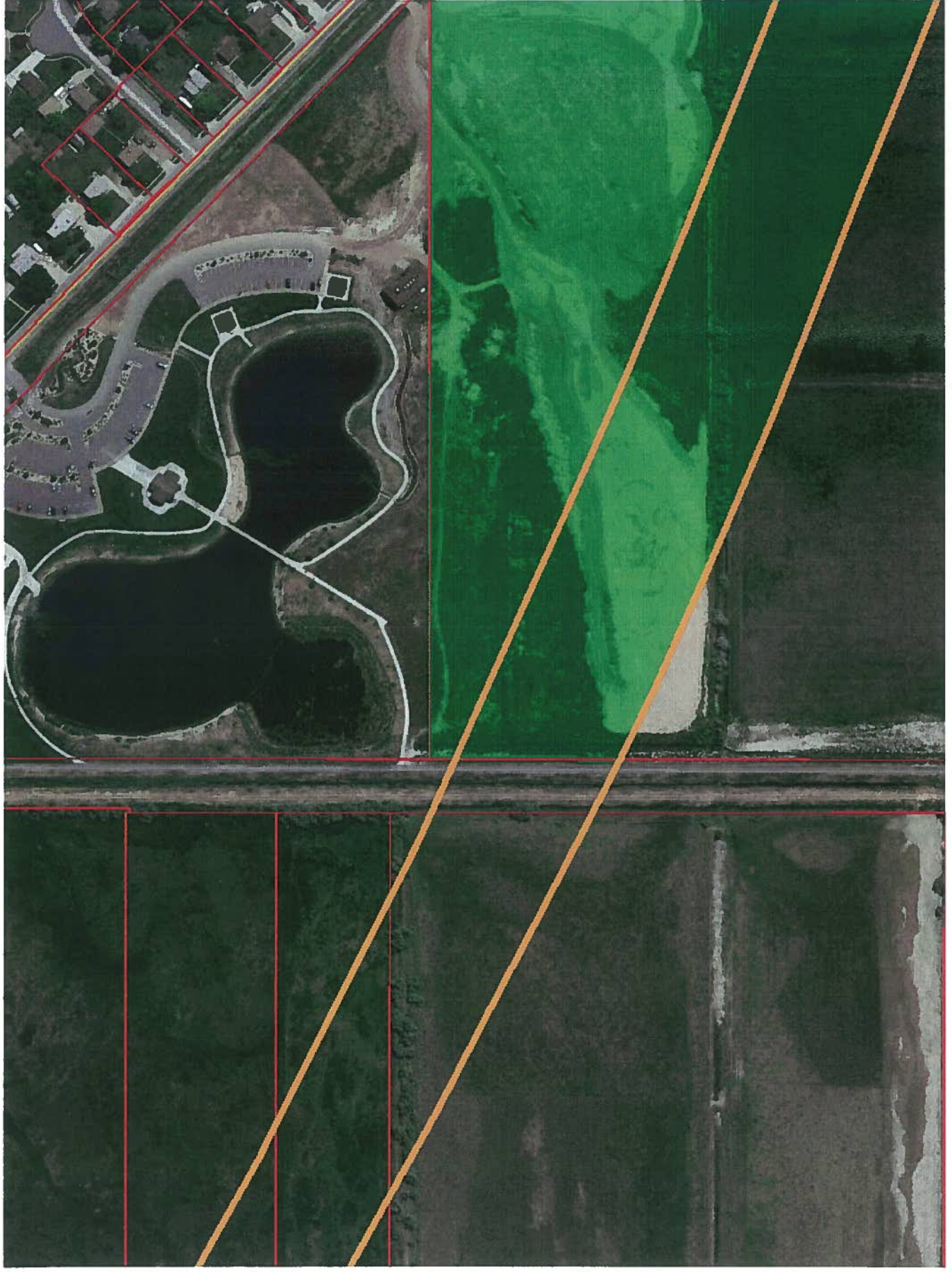
Decline

Commission Action Requested:

Authorization to obligate Marda Dillree Corridor Preservation Revolving Loan Funds

Prepared by: Dian McGuire
Presented by: Lyle McMillan

Advisory Council Date: September 3, 2013



**Utah Transportation Commission Meeting
Agenda Fact Sheet**

Commission Meeting Date: September 13, 2013

Agenda Item: 7D

Subject: Marda Dillree Corridor Preservation Acquisition Request - West Davis Corridor

Background: Eminent Development – Stonefield/Land Solutions

- The property address is approximately 3015 South 2000 West in Syracuse. The property is vacant land owned by Stonefield Inc. and under contract with Land Solutions.
- The land is approximately 32 acres and is zoned residential.
- There are 3 parcels of land that UDOT would be acquiring. The total land value per the appraised for \$1,883,000, which is \$53,500 per acre for part of the land and \$60,000 for the remainder.
- This land is in the preferred alignment of the West Davis Corridor.

Exhibits: Map of area

Advisory Council Recommendation

Approval

X

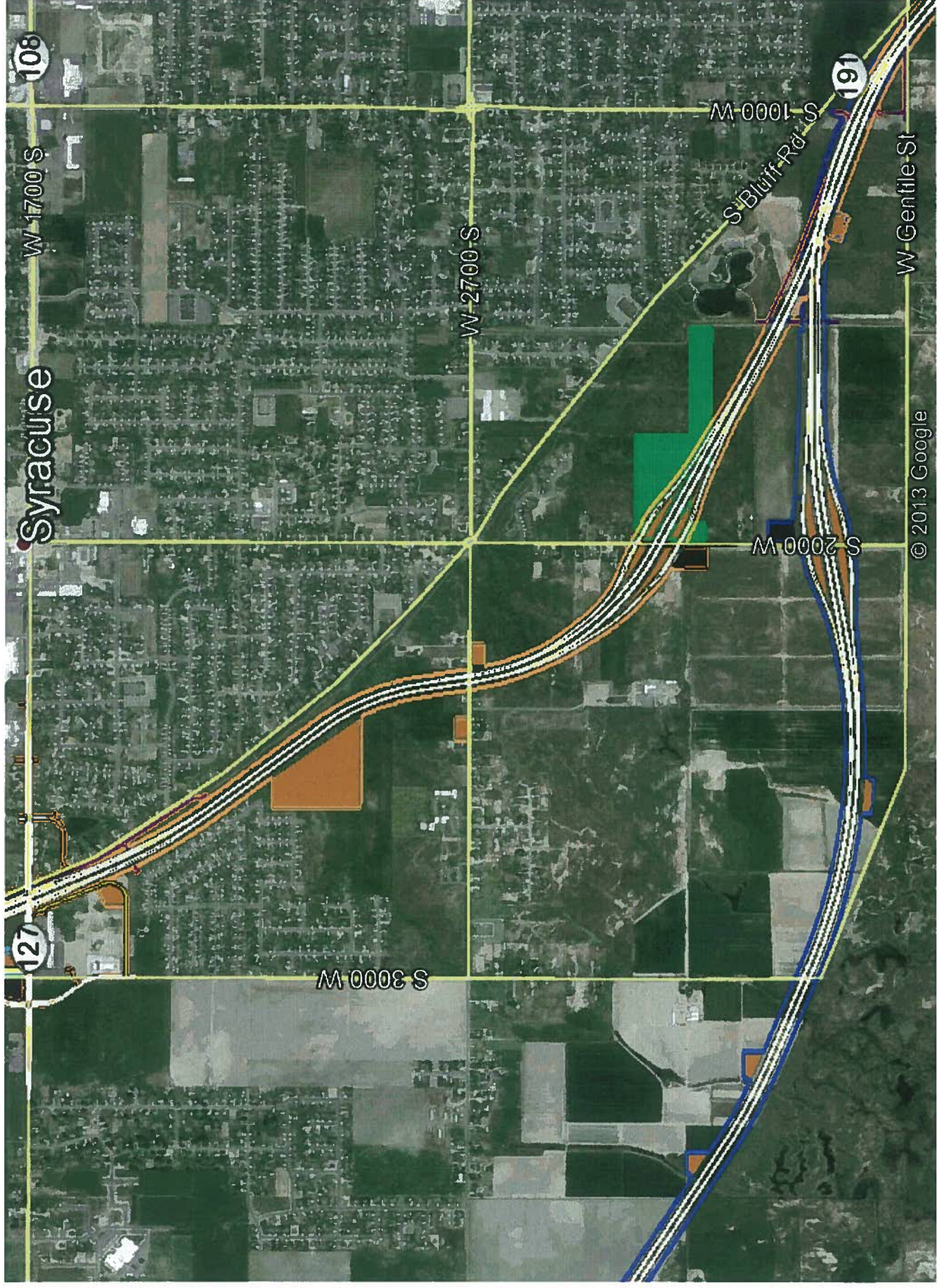
Decline

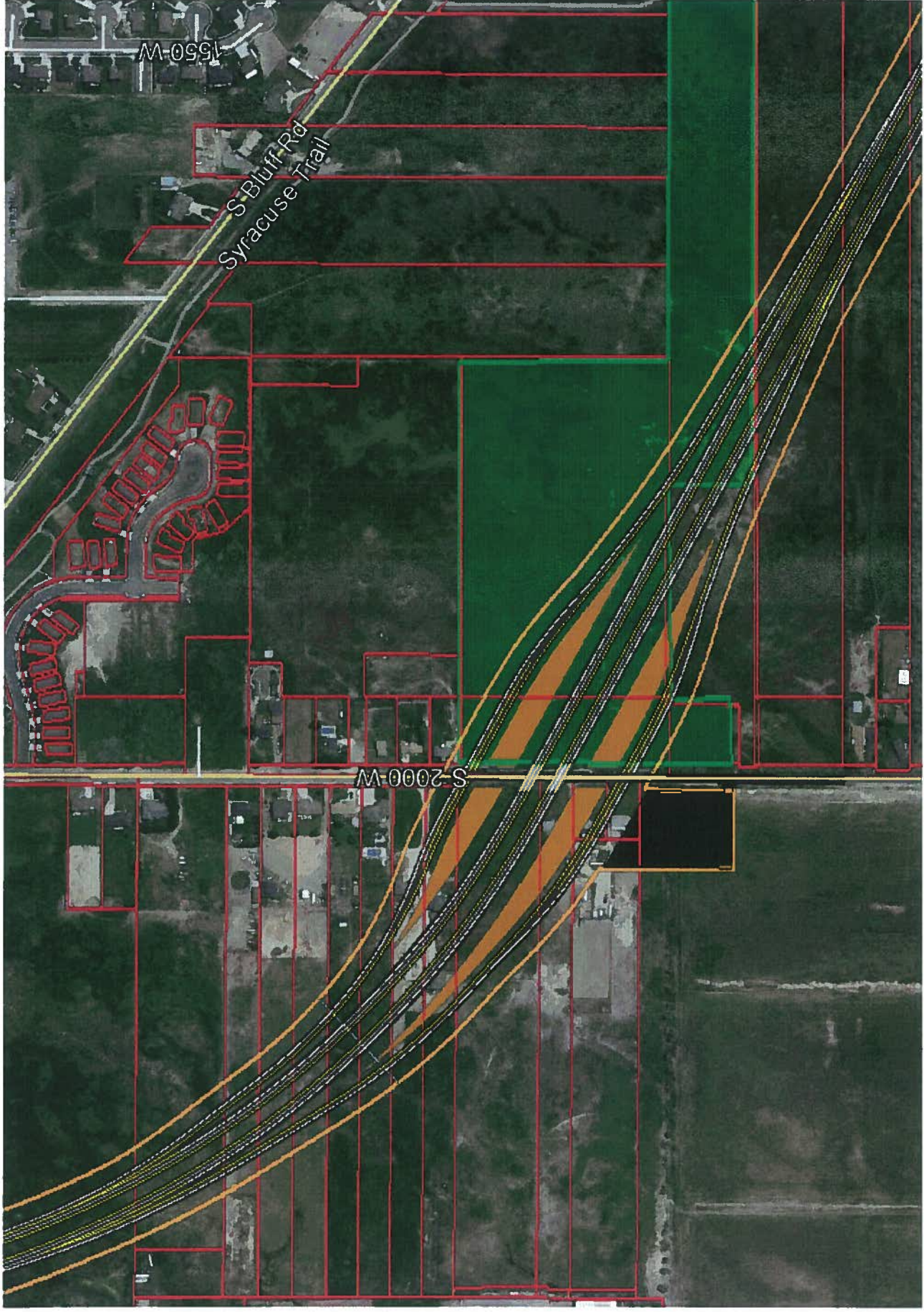
Commission Action Requested:

Authorization to obligate Marda Dillree Corridor Preservation Revolving Loan Funds

Prepared by: Dian McGuire
Presented by: Lyle McMillan

Advisory Council Date: September 3, 2013





Utah Transportation Commission Meeting Agenda Item Fact Sheet

Commission Meeting Date: September 13, 2013

Agenda Item #: 8A

Agenda Item Title: R909-1 Safety Regulations for Motor Carriers

Presented by: Chad Sheppick

Background:

The purpose of this change is to incorporate by reference and adopt final rule changes in the Federal Motor Carrier Safety Regulations (FMCSR) as of October 1, 2012, and the Federal Register as of August 23, 2013, and to add enforcement provisions authorized by statute. The change also requires every Utah based motor carrier to update their USDOT number information (Form MCSA-1) at the time of registration, or at least every 12 months as required by the Performance and Registration Information Systems Management (PRISM) program.

This rule amendment adopts the current Code of Federal Regulations related to part 350-384, Part 387-399 and Part 40 and ensures that intrastate carriers are subject to the same requirements as interstate carriers.

The following final federal rules are included in the adoption of the FMCSR as of October 1, 2012: a clarification and correction that drivers may not use Schedule 1 drugs and be qualified to drive commercial motor vehicles under any circumstances, a correction to amendatory language for the hours of service final rule published December 27, 2011, the establishment of a National Registry of Certified Medical Examiners, additional requirements for household goods motor carrier liability to appear on estimates, corrections to minor discrepancies regarding commercial driver's license (CDL) testing standards and minimum standards for the commercial learner's permit (CLP), a for-hire motor carrier may have the operating authority registration revoked by the FMCSA, the April 5, 2012 rule for hours of service for electronic on-board recorders was rescinded, intermodal equipment(IME) is not required to maintain driver vehicle inspection report(s) when no defect is found, removal of an obsolete requirement related to collect calls, amendment and direct final rule of household goods retention of an individual shipper's waiver of receipt, amendment of requirements regarding brake re-adjustment limits, and protection of household goods consumers.

This rule amendment also adopts two statutory exemptions included in MAP-21 transportation reauthorization legislation and allows an exemption from the hour-of-service regulation and most of the FMCSR's for the operation of a covered farm vehicle by farm and ranch operator, their employees, and certain other specified individuals.

The following final federal rules are adopted from the Federal Register through August 23, 2013: the withdrawal of the direct final rule amending the definition of "gross combination weight rating" (GCWR) in 49 CFR parts 383 and 390, the promulgations of regulatory exemptions for MAP-21, amendments to the commercial driver's license (CDL) testing standards and minimum standards for the commercial learner's permit (CLP) with the elimination for drivers to notify the state licensing agency of out-of-state traffic convictions, and the adopt of the Unified Registration System which requires all entities to update registration information on the new Form MCSA-1.

This adoption of the Federal Register final rules pertains to all private, common, and contract carriers by highway in commerce.

Exhibits/Handouts: r909-001 rtf, R909-1 Analysis

Audio/Visual:

Commission Action Requested:

☒ For Information/Review Only

☐ For Commission Approval

Motion Needed for Approval:

Fact sheet prepared by: Tawnya Lang

Fact sheet reviewed by senior leader: Jason Davis

Date submitted: 09/11/2013

R909. Transportation, Motor Carrier.

R909-1. Safety Regulations for Motor Carriers.

R909-1-1. Authority and Purpose.

This Rule is enacted under the authority of Section 72-9-103 to enable the department to enforce the Federal Motor Carrier Safety Regulations as contained in Title 49, Code of Federal Regulations related to the operation of a motor carrier within the state, as required by Section 72-9-301.

R909-1-2. Adoption of Federal Regulations.

(1) Safety Regulations for Motor Carriers, 49 CFR Parts 350 through 384, Parts 38[~~6~~]7 through 399, and Part 40, (October 1, 201[~~1~~]2), as amended by the Federal Register through [~~January 12, 2012~~]August 23, 2013 are incorporated by reference, except for Parts 391.11(b)(1) and 391.49 as it applies to intrastate drivers only. These requirements apply to all motor carrier(s) as defined in 49 CFR Part 390.5, excluding commercial motor vehicles which are designed or used to transport more than 8 and less than 15 passengers (including the driver) for compensation and Section 72-9-102(2) engaged in intrastate commerce.

(2) Intrastate trucking operations in which the carriers operate double trailer combinations only are not required to comply with 49 CFR Part 380.203(a)(2).

(3) Exceptions to Part 391.41, Physical Qualification may be granted under the rules of Department of Public Safety, Driver's License Division, Section 53-3-303.5 for intrastate drivers under R708-34.

(4) Drivers involved wholly in intrastate commerce shall be at least 18 years old. However, if they are transporting placarded amounts of hazardous materials or carrying 16 or more passengers, including the driver, they must be 21 years old.

(5) Licensed child care providers operating a passenger vehicle with a seating capacity of not more than 30 passengers, and wholly in intrastate commerce, are exempt from 49 CFR Part 387 Subpart B but are subject to the minimum coverage requirements in Section 72-9-103.

R909-1-3. Insurance for Private Intrastate/Interstate Motor Carriers.

(1) "Private Motor Carrier" means a person who provides transportation of property or passengers by commercial motor vehicle and is not a for-hire motor carrier.

(2) All intrastate private motor carriers shall have a minimum amount of \$750,000 liability.

(3) All intrastate for-hire and private motor carriers

transporting any quantities of oil listed in 49 CFR 172.101; hazardous waste, hazardous material and hazardous substances defined in 49 CFR 171.101, shall have \$1,000,000 minimum level of financial responsibility and a MCS-90 endorsement maintained at the principal place of business.

R909-1-4. Implements of Husbandry.

"Implements of Husbandry" is defined in Section 41-1a-102(23) and must be in compliance with all provisions of Chapter 6, Title 41, Utah Code Annotated. Vehicles meeting this definition are exempt from 49 CFR Part 393 - Parts and Accessories Necessary for Safe Operations.

R909-1-5. Cease and Desist Order - Registration Sanctions.

As authorized by Section 72-9-303, the department may issue cease and desist orders to any motor carrier that fails or neglects to comply with State and Federal Motor Carrier Safety Regulations or any part of this rule.

R909-1-6. Penalties and Fines.

Any motor carrier that fails or neglects to comply with State or Federal Motor Carrier Safety Regulations or any part of this rule is subject to a civil penalty as authorized by Sections 72-9-701 and 72-9-703.

R909-1-7. Motor Carriers Delinquent in Paying Civil Penalties; Prohibition on Transportation.

Pursuant to Section 72-9-303, a motor carrier that has failed to pay civil penalties imposed by the department, or has failed to abide by a payment plan, may be prohibited from operating commercial motor vehicles in intrastate or interstate commerce.

R909-1-8. Form MCSA-1 Update Required.

Utah participates in the federal Performance and Registration Information Systems Management (PRISM) program which enforces the motor vehicle maintenance and requires updates to the USDOT number associated with the carrier responsible for the safety of each motor vehicle being registered. Utah based carriers are required to update their USDOT number information (Form MCSA-1) at the time of vehicle registration with the Utah State Tax Commission, or at least every 12 months.

KEY: trucks, transportation safety, implements of husbandry

Date of Enactment or Last Substantive Amendment: April 11, 2012
Authorizing, and Implemented or Interpreted Law: 72-9-103; 72-9-104; 72-9-101; 72-9-301; 72-9-303; 72-9-701; 72-9-703.

R909-1 Administrative Rule Amendment Analysis

Purpose of the rule or reason for the change: The purpose of this change is to incorporate by reference and adopt final rule changes in the Federal Motor Carrier Safety Regulations (FMCSR) as of October 1, 2012, and the Federal Register as of August 23, 2013, and to add enforcement provisions authorized by statute. The change also requires every Utah based motor carrier to update their USDOT number information (Form MCSA-1) at the time of registration, or at least every 12 months as required by the Performance and Registration Information Systems Management (PRISM) program.

Summary of the rule or change: This rule amendment adopts the current Code of Federal Regulations related to part 350-384, Part 387-399 and Part 40 and ensures that intrastate carriers are subject to the same requirements as interstate carriers.

The following final regulations are included in the adoption of the Federal Code as of October 1, 2012:

January 30, 2012 – Clarification that drivers may not use Schedule 1 drugs and be qualified to drive commercial motor vehicles under any circumstances.

February 13, 2012 - A correction to amendatory language or guidance to legal editors of the CFRs for the hours of service final rule published on December 27, 2011.

February 22, 2012 – A correction to final rule clarifying that driver's may not use Schedule 1 drugs and be qualified to drive commercial motor vehicles under any circumstances.

April 20, 2012 – FMCSA establishes a National Registry of Certified Medical Examiners.

April 30, 2012 – Requires household goods motor carrier liability to appear on the estimates and bills of lading that carriers must provide to individual shippers.

May 8, 2012 – Correction amendment: Correction to minor discrepancies regarding section references in text related to commercial driver's license (CDL) knowledge and skills testing standards and minimum standards for states to issue the commercial learner's permit (CLP).

May 14, 2012 – Final rule: FMCSA may revoke the operating authority registration of a for-hire motor carrier for failure to comply with safety fitness requirements.

May 14, 2012 – From a decision of the Court of Appeals for the Seventh Circuit the April 5, 2012 rule entitled “Electronic On-Board Recorders for Hours-of Service Compliance” has been rescinded.

June 12, 2012 – Final rule: Eliminates the requirement of intermodal equipment (IME) to retain driver vehicle inspection reports (DVIR's) when the driver has neither found nor been made aware of any defects in the IME.

June 20, 2012 – Direct final rule; request for comments: Removes an obsolete requirement related to collect calls, the resolution of ambiguities, and reduce a regulatory burden on household goods motor carriers.

July 16, 2012 – Direct final rule; request for comments: FMCSA amends the regulations governing the period during which household goods (HHG) motor carriers must retain documentation of an individual shipper's waiver of receipt.

August 6, 2012 – Final rule: FMCSA amends the requirements regarding brake re-adjustment limits in the FMCSR's.

August 14, 2012 - Direct final rule; confirmation of effective date: Confirmation of the effective date for its June 20, 2012, direct final rule concerning household goods consumer protection.

August 27, 2012 – Direct final rule; request for comments: FMCSA confirms the effective date for its July 16, 2012, direct final rule concerning the period during which household goods (HHG) motor carriers must retain documentation of an individual shipper's waiver of receipt.

September 21, 2012 – Notification of statutory exemptions: FMCSA alerts motor carriers and enforcement officials of two statutory exemptions included in the MAP-21 transportation reauthorization legislation that are applicable to certain motor carriers engaged in the transportation of agricultural commodities and farm supplies. This includes statutory exemption from the hour-of-service regulations, and most of the Federal Motor Carrier Safety Regulations for the operation of a covered farm vehicle by farm and ranch operator, their employees, and certain other specified individuals.

October 1, 2012 – FMCSA alerts motor carriers and enforcement officials of two statutory exemptions included in the MAP-21 transportation reauthorization legislation that are applicable to certain motor carriers engaged in the transportation of agricultural commodities and farm supplies.

The following final federal rules are adopted from the Federal Register from October 29, 2012 to August 23, 2013:

October 29, 2012 – FMCSA withdraws its August 27, 2012, direct final rule (DFR) amending the definition of “gross combination weight rating” (GCWR) in 49 CFR parts 383 and 390.

March 14, 2013 –FMCSA promulgates the regulatory exemptions for the Moving ahead for Progress in the 21st Century Act (MAP-21).

March 25, 2013 - FMCSA amends its May 9, 2011, final rule in response to certain petitions for reconsideration. The 2011 final rule amended the commercial driver’s license (CDL) knowledge and skills testing standards and established new minimum Federal standards for States to issue the commercial learner’s permit (CLP).

April 26, 2013 – FMCSA amends its commercial driver’s license (CDL) rules to eliminate the requirement for drivers to notify the state licensing agency that issued their commercial learners permit (CLP) or CDL of out-of-state traffic convictions.

August 23, 2013 - The FMCSA amends its regulations to require interstate motor carriers, freight forwarders, brokers, intermodal equipment providers (IEPs), hazardous materials safety permit (HMSP) applicants, and cargo tank facilities under FMCSA jurisdiction to submit required registration and biennial update information to the Agency via a new electronic on-line Unified Registration System (URS). The electronic registration will use Form MCSA-1.

This adoption of the Federal Register final rules pertains to all private, common, and contract carriers by highway in commerce.

Aggregate anticipated cost or savings to:

A) State budget: There is an anticipated cost to the state budget. The Federal Motor Carrier Safety Administration has reported there will be some costs associated with re-training State enforcement personnel on the sometimes intricate details of the exemptions of Map-21.

B) Local government: There is no anticipated cost or savings to the local government because the amendment only affects the Department of Transportation and motor carriers.

C) Small businesses (less than 50 employees): The cost savings of this rule for small farming businesses will take the form of reduced expenditures in the agricultural sector. The exact amount of cost savings of the agricultural exemptions in Map-21 are unknown at this time, because the number of drivers who will qualify for the exemptions are unknown.

Small businesses that operate intermodal equipment are estimated to save a total loaded hourly time value of \$33.00 with the elimination of the driver vehicle

inspection report (DVIR's) when the driver has neither found nor been made aware of any defects in the intermodal equipment (IME).

New interstate motor carriers, freight forwarders, brokers, intermodal equipment providers (IEPs), hazardous materials safety permit (HMSP) applicants, and cargo tank facilities under FMCSA jurisdiction will be required to pay a registration fee of \$300.00 after November 1, 2013, via the new electronic on-line Unified Registration System (URS). There is no cost for updating a Form MCSA-1 for entities that already have a USDOT number.

D) Persons other than small businesses, businesses, or local government entities: There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities because the amendment only affects the Department of Transportation and motor carriers.

Compliance costs for affected persons: There will be a \$300 registration fee for new registrations of the Form MCSA-1 and affected persons that operate as interstate motor carriers, freight forwarders, brokers, intermodal equipment providers (IEPs), hazardous materials safety permit (HMSP) applicants, and cargo tank facilities.

Suggested comments by the department head on the fiscal impact the rule may have on businesses: Small farming businesses and businesses that operate intermodal equipment will experience fiscal savings from adoption of this rule due respectively to the Map-21 exemptions and from elimination of the DVIR in certain circumstances, as more fully described in the savings to small businesses section.

There will be a \$300 registration fee for new registrations of the Form MCSA-1 and affected persons that operate as interstate motor carriers, freight forwarders, brokers, intermodal equipment providers (IEPs), hazardous materials safety permit (HMSP) applicants, and cargo tank facilities.

**Additional information required by Governor's Executive Order
Dated Dec. 6, 2011**

Does the proposed rule or amendment have non-fiscal impacts or burdens directly or indirectly on the:

A) State budget? None

B) Local governments? None

C) Small businesses? None

D) Persons other than small businesses, businesses, or local governmental entities? None

If there is a negative impact on small business, is it possible to:

A) establish less stringent compliance or reporting requirements? NA

B) establish less stringent schedules or deadlines? NA

**(C) consolidate or simplify reporting or compliance requirements?
NA**

**(D) establish performance standards rather than design or
operational standards? NA**

(E) exempt from all or any part of the requirements? NA

Please include an explanation above when describing whether or not there are cost or savings and fiscal or non-fiscal impacts, i.e. "no costs or savings to state budget because"

**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: September 13, 2013

Agenda Item #: 8B

Agenda Item Title: R909-75 Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes

Presented by: Chad Sheppick

Background:

This proposed rule amendment adopts the safety regulations for Motor Carriers Transporting Hazardous Material and/or Hazardous Wastes Title 49, Sub-Chapter C, Parts 107, 171, 172, 173, 177, 178, 179 and 180, as of October 1, 2012 and the Federal Register as of April 17, 2013 and adds enforcement provisions authorized by statute. This incorporates requirements that are applicable to the offering, acceptance and transportation of hazardous materials. It includes clarification of previous regulations and new implementation dates, minor changes which enhance accuracy, miscellaneous amendments to regulatory requirements and non-substantive changes that do not impose new requirements.

The following final federal rules are included in the adoption of the Code of Federal Regulations as of October 1, 2012: safe havens have new standards, saccharin and salts are now removed, smaller placards are now authorized for domestic shipments, double bulkhead vents can be plugged, vent pressure test limits are established for cylinders, Pipeline Hazardous Materials Safety Administration (PHMSA) special permits have been revised, deletion of date references which have already passed, the restriction of the use of hand-held mobile telephones, shipping papers need to show non-odorized or not odorized for lpg, 2011 exemption for ORM-D packages has been extended to 2015, closure requirements of inner packagings containing liquids, and the incorporation of special permits to reduce paperwork burdens.

The following final federal rules are adopted from the Federal Register from October 5, 2012 to April 17, 2013: alignment with international standards, amends the Hazardous Materials Regulations (HMR) as a result of administrative appeals, clarify or provide relief from miscellaneous regulatory requirements, promote safer transportation practices and update various entries in the Hazardous Materials Table, PHMSA is revising references in its regulations to maximum and minimum civil penalties. This adoption of the Federal Register final rules pertains to all private, common, and contract carriers by highway in commerce.

Exhibits/Handouts: r909-075 rtf, R909-75 Analysis

Audio/Visual:

Commission Action Requested:

☒ For Information/Review Only

☐ For Commission Approval

Motion Needed for Approval:

Fact sheet prepared by: Tawnya Lang

Fact sheet reviewed by senior leader: Jason Davis

Date submitted: 09/03/2013

R909. Transportation, Motor Carrier.

R909-75. Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes.

R909-75-1. Purpose and Authority.

The purpose of this rule is to adopt regulations that are applicable to the offering, acceptance and transportation of hazardous materials related to the operation of a motor carrier within the State of Utah. This rule is authorized by Sections 72-9-103, 72-9-104 and 72-9-301.

R909-75-2. Adoption of Federal Regulations.

Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes, 49 CFR, Sub-Chapter C, Parts 107, 171, 172, 173, 177, 178, 179, and 180 (October 1, 201~~0~~2), as amended by the Federal Register through [~~February 28, 2011~~]April 17, 2013 are incorporated by reference. These changes apply to all private, common, and contract carriers by highway in commerce.

KEY: hazardous materials transportation, hazardous substances, hazardous waste, safety regulations

Date of Enactment or Last Substantive Amendment: January 10, 2012

Notice of Continuation: November 1, 2011

Authorizing, and Implemented or Interpreted Law: 72-9-103; 72-9-104; 72-9-301

R909-75 Administrative Rule Amendment Analysis

Purpose of the rule or reason for the change:

The purpose of this proposed amendment is to incorporate by reference and adopt final rule changes from federal regulations.

This proposed rule amendment adopt of the safety regulations for Motor Carriers Transporting Hazardous Material and/or Hazardous Wastes Title 49, Sub-Chapter C, Parts 107, 171, 172, 173, 177, 178, 179 and 180, as of October 1, 2012 and the Federal Register as of April 17, 2013 and to add enforcement provisions authorized by statute.

Summary of the rule or change:

The proposed rule amendment incorporates requirements that are applicable to the offering, acceptance and transportation of hazardous materials. It includes clarification of previous regulations and new implementation dates, minor changes which enhance accuracy, miscellaneous amendments to regulatory requirements and non-substantative changes that do not impose new requirements. The following final federal rules are included in the adoption of the Code of Federal Regulations as of October 1, 2012:

June 7, 2011 - New standards established for safe havens.

June 27, 2011 - Saccharin and its salts are removed from the list of hazardous substances and reportable quantities.

July 20, 2011 - A change allows smaller placards which are used for international shipments that are now authorized for domestic shipments. The amendment allows top double bulkheads vents to be plugged on cargo tanks and also establishes vent pressure test pressure limits for cylinders.

July 26, 2011 - The procedures for obtaining special permits through PHMSA have been revised to have an applicant provide additional information about their operation.

September 13, 2011 - This final rule adopts corrections to addresses, pamphlets and telephone numbers while deleting date references which have already passed.

December 2, 2011 – This final rule adopts the restriction of the use of hand-held mobile telephones by drivers of commercial motor vehicles (CMVs).

December 28, 2011 - Shipping papers need to show non-odorized or not odorized when transporting lpg without odor. Old infectious substance labels can be used until 2014.

December 30, 2011 - The 2011 exemptions for ORM-D packages were removed with an implementation date of 2013, but this date has been extended to 2015. After January 19, 2014, materials cannot be classified as ORM-D.

April 16, 2012 – Hazardous materials regulations require closures of inner packagings containing liquids within a combination packaging to be secured by a secondary means.

June 25, 2012 – The incorporation of special permits to reduce paperwork burdens and facilitate commerce while maintaining an appropriate level of safety.

The following final federal rules are adopted from the Federal Register from October 5, 2012 to April 17, 2013:

October 5, 2012 – The final rule corrects editorial errors, makes minor regulatory changes and, in response to request for clarification, improves the clarity of certain provisions in the Hazardous materials Regulations.

January 7, 2013 – The final rule will maintain alignment with international standards by incorporating various changes to hazard classes, proper shipping names, packing groups, special provisions and packaging authorizations.

January 7, 2013 – In this final rule PHMSA amends the HMR as a result of administrative appeals submitted in response to various amendments adopted in the January 19, 2011 final rule.

March 7, 2013 – The final rule is to update, clarify, or provide relief from miscellaneous regulatory requirements.

March 11, 2013 – The final rule promotes safer transportation practices, eliminates unnecessary regulatory requirements and updates various entries in the Hazardous Materials Table.

April 17, 2013 – PHMSA is revising references in its regulations to maximum and minimum civil penalties for a knowing violation of the federal hazardous material transportation law or a regulation, order, special permit, or approval issued under that law.

This adoption of the Federal Register final rules pertains to all private, common, and contract carriers by highway in commerce.

Aggregate anticipated cost or savings to:

A) State budget: “There is no anticipated cost or savings to the state budget because the amendment only incorporates federal regulations already in effect.”

B) Local government: “There is no anticipated cost or savings to local government budget because the amendment only incorporates federal regulations already in effect.”

C) Small businesses (less than 50 employees): “There is no anticipated cost or savings to small businesses budget because the amendment only incorporates federal regulations already in effect.”

D) Persons other than small businesses, businesses, or local government entities:

“There is no anticipated cost or savings to the persons other than small business, businesses, or local government entities budget because the amendment only incorporates federal regulations already in effect.”

Compliance costs for affected persons: “There is no anticipated cost or savings to an affected persons budget because the amendment only incorporates federal regulations already in effect.”

Suggested comments by the department head on the fiscal impact the rule may have on businesses:

Additional information required by Governor's Executive Order Dated Dec. 6, 2011

Does the proposed rule or amendment have non-fiscal impacts or burdens directly or indirectly on the:

“There are no new non-fiscal impacts or burdens from this rule amendment because the amendment only incorporates federal regulations already in effect.”

A) State budget?

B) Local governments?

C) Small businesses?

D) Persons other than small businesses, businesses, or local governmental entities?

There is no new negative impact on small businesses because the amendment only incorporates federal regulations already in effect.

If there is a negative impact on small business, is it possible to:

A) establish less stringent compliance or reporting requirements?

B) establish less stringent schedules or deadlines?

(C) consolidate or simplify reporting or compliance requirements?

(D) establish performance standards rather than design or operational standards?

(E) exempt from all or any part of the requirements?

Please include an explanation above when describing whether or not there are cost or savings and fiscal or non-fiscal impacts, i.e. "no costs or savings to state budget because . . ."

**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: September 13, 2013

Agenda Item #: 8C

Agenda Item Title: Review of Change to Administrative Rule R930

Presented by: Lyle McMillan

Background:

- This rule change enables UDOT to treat maintenance facilities owned by utilities as part of the utility being relocated.
- Utah statute and Federal regulations require UDOT to pay 100% of the relocation cost of a utility facility's generation, transmission, or distribution operations. It is not clear on maintenance facilities that support generation, transmission, or distribution operations.
- The MVC project is impacting a Rocky Mountain Power maintenance facility, and UDOT's current policy of purchasing only the land and improvements does not enable the utility to fully replace its functionality in a new location. This rule change enables UDOT to make the utility whole.

Exhibits/Handouts: R930-7

Audio/Visual:

Commission Action Requested:

☒ For Information/Review Only
☐ For Commission Approval

Motion Needed for Approval:

Fact sheet prepared by: Lyle McMillan

Date submitted: 9-3-2013

Fact sheet reviewed by senior leader:

R930. Transportation, Preconstruction.

R930-7. Utility Accommodation.

R930-7-13. Deviations.

(1) Deviations from provisions of this rule may be allowed if they do not violate state and federal statutes, law, or regulations and UDOT has determined the use of the right of way will be for the public good without compromising the transportation purposes of the right of way.

(2) Requests for deviations with limited impact may be considered by UDOT on an individual basis, upon justification submitted by the utility company.

(3) Requests for significant deviations must demonstrate extreme hardship and unusual conditions and provide justification for the deviation. Requests must demonstrate that alternative measures can be specified and implemented and still fulfill the intent of state and federal regulations. Requests for these deviations must include the following:

(a) formal request by the utility company; and

(b) an evaluation of the direct and indirect design, safety, environmental, and economic impacts associated with granting a deviation.

(4) In order for UDOT to grant a significant deviation the following approvals are necessary:

(a) formal recommendation for approval by the UDOT Region Permits Officer or the officer's supervisor;

(b) formal recommendation for approval from the UDOT Region Director;

(c) concurrence of the UDOT Statewide Utilities Engineer; and

(d) FHWA concurrence if the deviation applies to a utility facility located within a Federal-aid highway right of way.

(5) For UDOT projects that are solely state funded, UDOT may deviate from the utility relocation regulations contained in the Code of Federal Regulations by reimbursing a utility company for replacement of existing buildings with functionally equivalent buildings, if the following requirements are met:

(a) the utility company owns the property in fee that UDOT needs to acquire for its project;

(b) the utility company owns operational facilities located upon, below or above the property;

(c) the utility company owns a building on the property that provides maintenance services for the utility facility;

(d) a property purchase in accordance with 49 CFR 24 will not adequately compensate the utility company's costs to relocate and functionally re-establish the maintenance facility; and

(e) the deviation promotes the public interest.

KEY: right-of-way, utilities, utility accommodation

Date of Enactment or Last Substantive Amendment: October 10, 2012

Authorizing, and Implemented or Interpreted Law: 72-6-116(2)

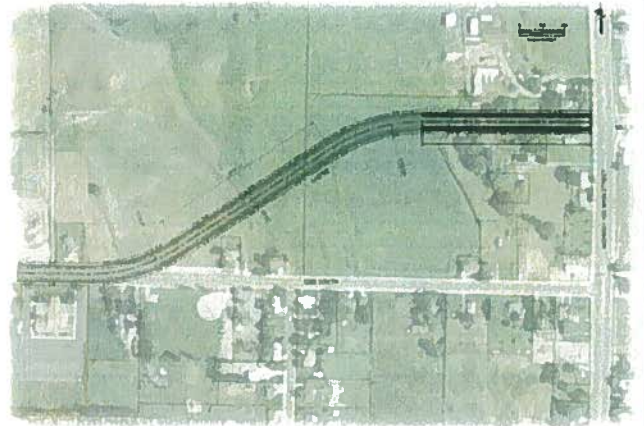
Handouts & Presentations

September 13, 2013

Nibley City Roads- Goals, Plans, Possibilities

3200 South Highway 165

- Current Challenges:
 - No safe pedestrian crossing
 - Continuous flow of northbound traffic
 - 3-way intersection
- Nibley City received \$180k from the Cache County Council of Govts. to study realignment alternatives.



2600 South Highway 165

- Nibley Master Road Plan shows that 2600 South will go all the way from Highway 165 to Highway 89/91.
- Cache County School District plans to build a new high school across the river in Millville. Other ideas are trails along the river, pedestrian access under the bridge, landscaped park area.
- We anticipate a 4-way signal at this intersection and commercial in the area.



3200 South Highway 89/91

- North side of the road is currently in Logan City; South side is unincorporated Cache County.
- Logan City recently received \$200k to assist in realignment of intersection to ease ingress/egress.
- Nibley City anticipates that the surrounding properties will be annexed in to Nibley in the future.



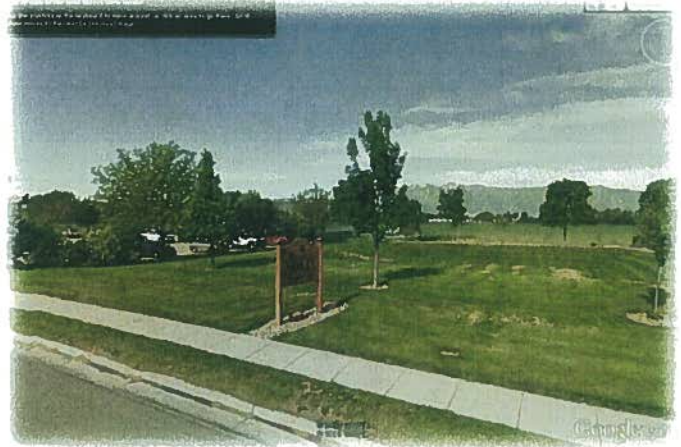
Hollow Road to 4400 South Highway 165

- The idea has been floated of putting a light somewhere in this area.
 - Safety concern because of hill running South from Hollow Road.
 - Limited view range
- Nibley City has no immediate plans for improvements in this area



Beautification of City Entrances

- Nibley has cooperated with UDOT in the past to beautify City entrance areas along UDOT roads
- Key City entrances are 3200 South Hwy 89/91 (future), about 2400 South Hwy 165 (southbound) and approximately 4400 South Hwy 165 (northbound).



Marda Dillree Corridor Preservation Budget & Obligations

Balance Forward: \$3,404,409

Fund Reimbursement: \$4,552,634

Revenue: \$1,066,326

Corridor	Owner	Type of Property	Date Closed	Expenses:	(\$699,873)
WDC	Colton	Residential	8/1/13	\$240,000	
WDC	BAC Kaysville	Vacant land	9/4/13	\$256,500	
Misc	Property expenses		9/4/13	\$203,373	

Fund Balance as of 9/10/13 \$8,323,496

Funds Obligated, But Not Yet Disbursed

Corridor	Owner	Type of Property	Commission Approval	Amount
MVC	GLB Properties	Industrial	3/6/12	\$555,000

Total Obligated, But Not Yet Disbursed: \$555,000

FUND BALANCE \$7,768,496

Applications Pending

Corridor	Owner	Type of Property	Advisory Council	Amount
WDC	Harvey Family	vacant land	9/3/13	\$718,500
WDC	Schultz / Hamblin	vacant land	9/3/13	\$1,800,000
WDC	Brighton / Stillwater	vacant land	9/3/13	\$1,365,000
WDC	Stonefield/Land Solutions	vacant land	9/3/13	\$1,883,000

Estimated Total of Requests: \$5,766,500

Balance if all applications are approved: \$2,001,996

Vision for UDOT's Future



Final Four Strategic Goals



Preserve
Infrastructure



Optimize
Mobility

zero
Fatalities

Zero
Fatalities



Strengthen
the economy



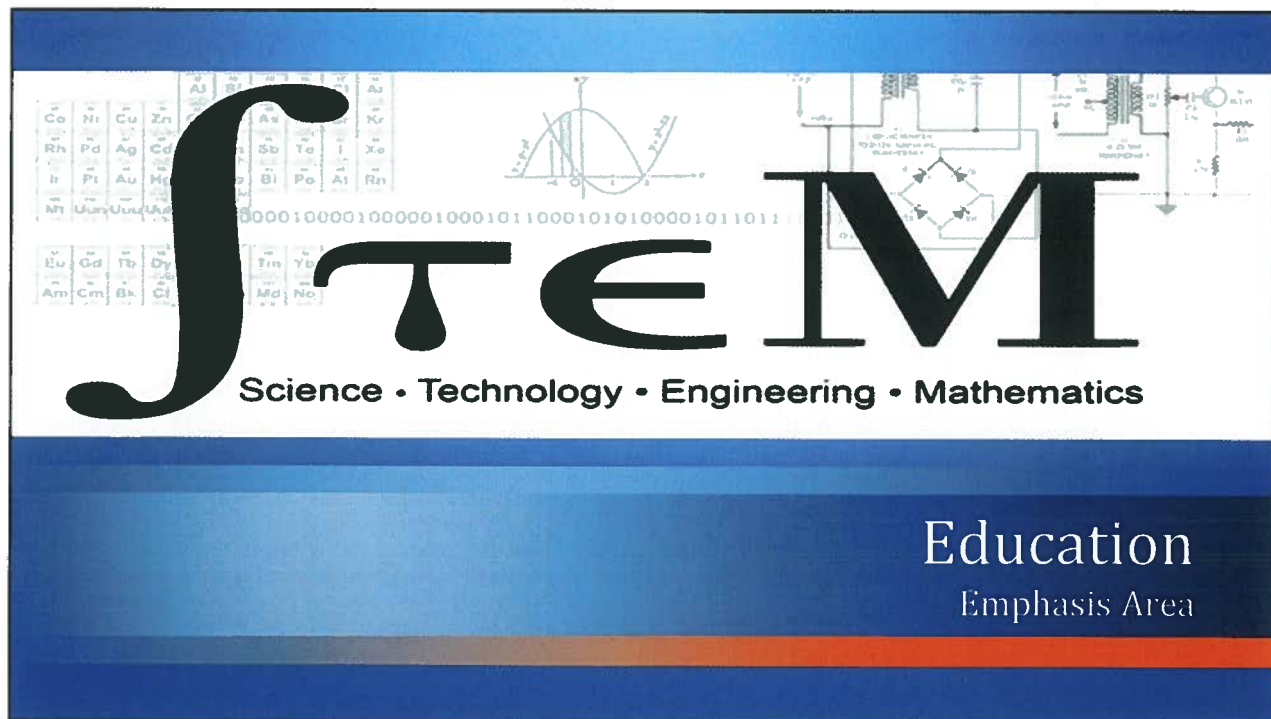
Integrated Transportation

Emphasis Area



Collaboration

Emphasis Area





Quality

Emphasis Area



Operational Excellence

Emphasis Area

UDOT's Core Values

- Innovation
- Dedication
- Integrity
- Public Responsiveness
- Passion
- Fiscal Responsibility

